

REMARKS

This Reply is in response to the Final Office Action mailed on September 28, 2007 in which claims 8, 112 and 113 were objected to and in which claims 1-7, 9-19, 86-111 and 114-123 were rejected. With this response, entry of amendments canceling claims 12-15, 18, 86, 89, 101-104, 106-107, 112 and 115-123, amending claims 1, 90 and 113, and adding claims 124-171 is requested. Based upon an Examiner Interview held on December 12, 2007, such claims are now believed to be in condition for allowance. Accordingly, entry of such amendments is believed to be proper. Claims 1-11, 16-17, 19, 87-88, 90-100, 105, 108-111, 113-114, and 124-171 are presented for reconsideration and allowance.

I. Examiner Interview Summary

On December 12, 2007, a telephonic interview would tell between Examiner Reynolds and Applicants' attorney, Todd A. Rathe. The allowability of claim 112 and the above proposed claim 124 were discussed. It was tentatively agreed upon that the above newly added independent claim 124 is allowable. Applicants gratefully thank the Examiner for the opportunity to discuss the additional independent claim 124 and the Examiner's indication of allowability.

II. Objections to Claims 112 and 113

Section 2 of the Office Action objected to claims 112 and 113 putting several informalities. Claim 112 is canceled with its limitations incorporated into claim 1. Both limitations incorporated into claim 1 have been revised to correct the noted in formality. Claim 113 is further amended to correct the noted informality. Applicants thank the Examiner for pointing out such typographical errors.

During additional review of the Application, additional typographical errors were identified. In response, claim 90 is further amended to the limitation "sport" with -- support --. No new matter is believed to be added.

III. Objection to Claim 106

Section 3 of the Office Action objected to claim 106. In order to place the application condition for allowance, claim 106 is canceled.

IV. Rejection of Claim 107 under 35 USC 112, Second Paragraph

Section 5 of the Office Action rejected claim 107 under 35 USC 112, second paragraph as being a definite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the Examiner noted that the graphics recited in claim 107 cannot have distinct surface textures if the batteries are identical. In order to place the application condition for allowance, claim 107 is canceled.

V. Rejection of Claims under 35 USC 103(a) based upon Watterson or Curiel

Section 8 of the Office Action rejected claims 1, 10-19, 86-111 and 114-123 under 35 USC 103(a) as being unpatentable over Watterson US Patent Publication 20020149928. Section 9 of the Office Action rejected claims 1-7, 9, 11, 17-19, 86, 91-111 and 114-123 under 35 USC 103(a) as being unpatentable over Curiel US Patent 4,648,013.

Section 13 of the Office Action indicated that claim 112 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claim 1 is amended to incorporate the limitations of former claim 112. Accordingly, claim 1, as amended, overcomes each of the rejections based upon Watterson or Curiel.

VI. Added Claims

With this response, claims 124-171 are added. Claims 124-171 are believed to be patently distinct over the prior art of record.

A. Claims 124-170

As noted above, during the Examiner Interview held on December 12, 2007, it was tentatively agreed upon that added claim 124 would be allowable. Claims 125-170 depend from claim 124 and are believed to be in condition for allowance for at least the same reasons. Claims 125-170 correspond to previously presented claims that already depend from claim 1. Accordingly, claims 125-170 are presented for consideration and allowance.

B. Claim 171

Section 13 of the Office Action indicated that claim 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claim 8 is rewritten as added claim 171 to include all of the limitations of former base claim 1 and former intervening claims 2, 3 and 7. Accordingly, claim 171 is presented for consideration and allowance.

V. Conclusion

After amending the claims as set forth above, claims 1-11, 16-17, 19, 87-88, 90-100, 105, 108-111, 113-114, and 124-171 are now pending in this application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-3815. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-3815. If any extensions of time are needed for timely acceptance of papers

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submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-3815.

Respectfully submitted,

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